

Court Ex. #1

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DOC #:
DATE FILED: 9/26/2024

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

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- v. -

LIN FENG,

Defendant.

: CONSENT PRELIMINARY ORDER
OF FORFEITURE/
MONEY JUDGMENT

: 23 Cr. 286 (NSR) - 02

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WHEREAS, on or about January 4, 2023, LIN FENG (the “Defendant”), and another, was charged in a four-count Indictment, 23 Cr. 286 (NSR) (the “Indictment”), with conspiracy to act as an agent of a foreign government and to bribe a public official, in violation of Title 18, United States Code, Section 371(Count One); acting as an agent of a foreign government, in violation of Title 18, United States Code, Sections 951 and 2 (Count Two); bribing a public official, in violation of Title 18, United States Code, Sections 201(b)(1) and 2 (Count Three); conspiracy to commit money laundering, in violation of Title 18, United States Code, Section 1956(h) (Count Four);

WHEREAS, the Indictment included a forfeiture allegation as to Count Three of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, of all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses charged in Count Three of the Indictment;

WHEREAS, on or about July 25, 2024, the Defendant pled guilty to Counts Two and Three of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count Three of the Indictment and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section

981(a)(1)(C) and Title 28 United States Code, Section 2461, a sum of money equal to \$50,000 in United States currency, representing the value of property which constitutes or is derived from proceeds traceable to the offense charged in Count Three of the Indictment;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$50,000 in United States currency, representing the value of property which constitutes or is derived from proceeds traceable to the offense charged in Count Three of the Indictment that the Defendant personally obtained, for which the Defendant is jointly and severally liable with co-defendant John Chen (the “Co-defendant”), to the extent a forfeiture money judgment is entered against the Co-defendants in this case; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Count Three of the Indictment that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorneys Michael D. Lockard, Qais Ghafary, Kathryn Wheelock , of counsel, and the Defendant and her counsel, Ben Gold, Esq., that:

1. As a result of the offense charged in Count Three of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$50,000 in United States currency (the “Money Judgment”), representing the amount of proceeds traceable to the offense charged in Count Three of the Indictment that the Defendant personally obtained, for which the Defendant is jointly and severally liable with the Co-defendant, to the extent a forfeiture money judgment is entered against the Co-defendant in this case, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant LIN FENG, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Illicit Finance and Money Laundering Unit, 26 Federal Plaza, New York, New York 10278 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment into the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

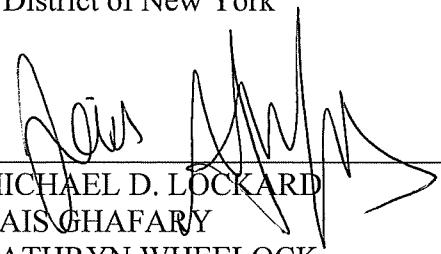
7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By:


MICHAEL D. LOCKARD
QAIS GHAFARY
KATHRYN WHEELOCK
Assistant United States Attorneys
26 Federal Plaza
New York, NY 10278
(914) 993-1933/ (212) 637-2534/(914) 993-1966

9/26/24
DATE

LIN FENG

By:

By:

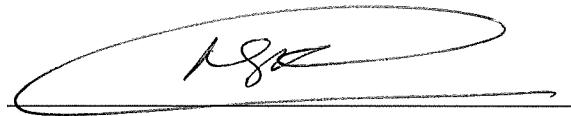


LIN FENG
BEN GOLD, ESQ.
Attorney for Defendant
Federal Defenders of New York
81 Main Street, Suite 300
White Plains, NY 10601

9/26/24
DATE

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SO ORDERED:


HONORABLE NELSON STEPHEN ROMAN
UNITED STATES DISTRICT JUDGE

9/26/2024
DATE